## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE

YOLANDA B. RUCKER,	)		
Plaintiff,	)		
V.	)	No.:	1:16-cv-00108 PLR-SKL
COMMISSIONER OF SOCIAL SECURITY,	)		
Defendant	)		

## **MEMORANDUM OPINION**

This Social Security appeal is before the court on the Report and Recommendation filed by United States Magistrate Judge, Susan K. Lee [R. 19]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties' pleadings, the court is in complete agreement with the Magistrate Judge's recommendation that this matter be remanded to the Commissioner for appropriate consideration of all the relevant evidence. Specifically, the Commissioner shall consider whether plaintiff's use of a cane to ambulate affects the RFC finding, and whether there are jobs in the national economy that plaintiff could perform.

Accordingly, the court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons

stated in the Report and Recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [R. 16] is **GRANTED** to the extent it seeks a remand to the Commissioner and **DENIED** to the extent it seeks an award of benefits; the Commissioner's motion for summary judgment [R. 17] is **DENIED**; the Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act is **REVERSED AND REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g).

Enter:

UNITED STATES DISTRICT JUDGE